UNITED STATES PATENT AND TRADEMARK OFFICE

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/646,155	08/22/2003	Patti F. Echtenkamp	P1926US00	9588

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ART UNIT	PAPER NUMBER
3661	

DATE MAILED: 03/08/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

	Application No.	Applicant(s)
Office Action Summary	10/646,155	ECHTENKAMP, PATTI F.
	Examiner	Art Unit	
	Christine M. Behncke	3661	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *22 December 2005*.

2a)☒ This action is **FINAL.**   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-44* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-44* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *8/22/2003* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____ .

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____ .

4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: _____ .

DETAILED ACTION

1.   This office action is in response to the Amendment and Remarks filed 22

December 2005, in which claims 1-44 were presented for examination.

Response to Arguments

2.   Applicant's arguments filed 22 December 2005, regarding claims 1, 4, 23 and 26

rejections, over Yassan in view of Obradovich, have been fully considered but they are

not persuasive. Applicant contends that the references of Yassan and Obradovich

would not have been obvious to combine to one of ordinary skill in the art because

Yassan describes a system that is capable of being used while the vehicle is moving,

while the system of Obradovich is not to be used when the vehicle is moving. Applicant

further contends that the modification of the system of Yassan with the display of

Obradovich would remove the functionality of the Yassan system; the ability to use the

system while the user is driving. The Examiner respectfully disagrees. The warning

displayed in Figure 5 of Obradovich is displayed on the introduction screen introducing

an in-depth manual-type explanation of the features, uses, and controls of the system.

The warning displayed in this Figure does not apply to the total system use. If a driver

were already comfortable with the system, they would not need to always go to the

introduction instruction screen; instead the driver may use "QUICK TIPS" or just

maneuver the controls. Obradovich contains numerous descriptions of the user utilizing

the system while driving, such as: using a tone pre-selected by a user to indicate a

confirmation of a command "the user while driving can continuously watch the road";

using the system to adjust the climate control functions, radio, windows, windshield

wipers, cruise control, lights, etc. (Column 5, lines 45-53), all of which are commonly

known in the automotive art to be controlled while driving.

3.   Applicant's arguments filed 22 December 2005, regarding claims 1-11, 13, 17,

23-33, 35 and 39 rejections, over Iggulden et al. in view of Zwern, have been fully

considered but they are not persuasive. Applicant contends it would not have been

obvious to one of ordinary skill in the art to combine the disclosure of Iggulden with the

teachings of Zwern because the disclosure of Zwern teaches away from the system of

Iggulden. The Examiner respectfully disagrees. While Zwern suggests that the security

system does not require external recording or programming equipment for storing

messages, this does not preclude the systems from being combined as the system of

Iggulden is capable of being combined with the system of Zwern. Further, it would have

been obvious to one of ordinary skill in the electronic and automotive arts to combine

the system of Iggulden with the teachings of Zwern because both references suggest

alternative methods of achieving similar ends. Both references describe systems allow

the users to customize their devices in a convenient manner, post factory, allowing for

more customization option which may be reprogrammed/reset at the user's discretion.

Zwern teaches a vehicle security system that allows for the erasure, re-recording, and

independent programming of vehicle warnings and alerts, which does not require the

programming to take place at the factory. Iggulden discloses a method and system for

setting preferences of an appliance that allows the user to reprogram or setup the

appliance in without requiring the user to take the appliance to the manufacturer or like

repair shop or having to work through increasingly voluminous and complex owner's

manuals (Column 1, lines 23-36 and Column 3, lines 1-8).

Claim Rejections - 35 USC § 103

4.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1, 4, 23 and 26 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Yassan, US Patent No. 6,008,723, in view of Obradovich, US Patent

No. 6,449,535.

5.   (**Claims 1 and 23**) Yassan discloses a system and a method for customizing an

audio message within a vehicle comprising: a computing device disposed within a

vehicle (control unit 20), a user interface in communication with said computing device

(occupant interactive button pad 38), said user interface comprising a menu (Column 5,

lines 24-27, lines 32-35, options of Voice Message System (VMS): active replay mode,

passive replay mode, or planned passive mode are set by actuator or command),

wherein a user makes selections comprising audio messages from the menu using the

user interface (occupant activates VMS recording and selects desired mode, figures 2-

4), a memory storage device in communication with said computing device for storing at

least one of said selections from said menu (control unit 20 may contain a digital

memory back to store message signal and selected mode, Column 5, lines 40-47), and

a means for enabling the execution of a message selected by a user upon the

occurrence and detection of a triggering event (control module 20 incorporates an

electric calendar, wherein the message is executed at a particular time; ignition switch

signal sent to unit 20 for active replay mode; Airbag diagnostic switch sent to unit 20 for

passive replay mode).

Yassan suggests different locations of the access inputs and the combination of

the system with a normal vehicle audio system. Yassan does not explicitly disclose a

display in communication with the computing device. However, Obradovich et al.

teaches a display (figure 2, element 102a) in communication with a computing device

(processor 105) wherein the display is used to present the options of the system to the

user in an organized way (Abstract). Obradovich et al. further teaches wherein the

options can be presented to the user using different media such as text and graphic,

with the display, and audio, similarly to Yassan. It would have been obvious to one of

ordinary skill in the art at the time of the invention to combine the system and of

Yassan with the teachings of Obradovich et al. because as Obradovich et al. suggests,

the inclusion of a display allows the information of the system to be "readily available

literally at the fingertips of the user" and in view of Yassan would offer a redundant

media to further clarify system information.

6.   (**Claims 4 and 26**) Yassan further discloses wherein said memory storage device

is an internal memory storage device (Column 5, lines 40-47, a digital memory bank in

control unit 20).

Claim Rejections - 35 USC § 103

7.   Claims 1-11, 13, 17, 23-33, 35 and 39 are rejected under 35 U.S.C. 103(a) as

being unpatentable over Iggulden et al., US Patent No. 6,882,712, in view of Zwern, US

Patent No. 5,245,694.

8.   **(Claims 1 and 23)** Iggulden et al. discloses a system and method for

customizing preferences and other programmable parameters of an appliance, including

vehicles, comprising: a computing device disposed within a vehicle (figure 13,

microcontroller 208, Column 7, lines 46-52), a user interface in communication with said

computing device (Column 8, lines 64-66), a display in communication with said

computing device (user interface display & buttons 214, and figure 14) and said user

interface comprising a menu (menu of adjustable/programmable features of the

appliance, Column 5, lines 17-20, Column 8, lines 52-61, and line 64- Column 9, line

10), a memory storage device in communication with said computing device for storing

at least one of said selections from said menu (memories 210 and 212, figure 13 and

the transfer device 16: Column 9, lines 43-49 and Column 13, lines 37-40). Iggulden et

al. discloses a general system and method of customizing an appliance and does not

explicitly disclose wherein the customization of the appliance is the selection of audio

messages. However, Zwern teaches a user-programmable and customizable security

system wherein a user makes selections comprising audio messages using the user

interface (element 48, Column 5, lines 33-47) and a means for enabling the execution of

a message selected by a user upon the occurrence and detection of a triggering event

(Column 6, lines 21-27). Although Zwern suggests that the security system disclosed

does not require external recording or programming, in view of the disclosure of

Iggulden et al. it would have been obvious to one of ordinary skill in the electronic art to transfer/store audio files to the system as well as record/store files and further as Zwern teaches that the use of an electronic memory for audio storage, also utilized by Iggulden et al., allows for a vehicle message storage system that incorporates smaller size, higher convenience, user-installability, and improved reproduction quality.

9.   **(Claims 11 and 33)** Zwern further discloses wherein said audio messages correspond to a condition of said vehicle (Column 9, lines 48-58).

10.   **(Claims 13 and 35)** Zwern further discloses wherein at least one of said audio messages informs the user that a door is ajar within said vehicle (Column 9, lines 48-58).

11.   **(Claims 17 and 39)** Zwern further discloses wherein at least one of said audio messages informs the user of a condition external of the vehicle (Column 9, lines 48-58).

It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the system of Iggulden et al. with the teachings of Zwern because as Zwern suggests, allowing a user to record or, with the suggested teachings of Iggulden et al., transfer and program a security system to play audio messages at a user's selection, for instance the message announced in the user's preferred language (Zwern: Column 1, lines 41-45). Further, Zwern teaches the benefits of a user customizable security system to include: allowing the user to differentiate the user's own alarm from others; broadening the user's choice of security features by allowing customizations to take place post-installation and without additional and expensive

programming at the factory; and allowing the security system to unambiguously specify

the vehicle condition (Column 2, lines 21-37).

12.   (**Claims 2 and 24**) Iggulden et al. further discloses wherein said memory device

is a portable memory storage device (transfer device 16: Column 9, lines 43-49 and

Column 13, lines 37-40).

13.   (**Claims 3 and 25**) Iggulden et al. further discloses wherein said portable

memory device storage device comprises a portable memory storage card (transfer

device 16: Column 9, lines 43-49 and Column 13, lines 37-40).

14.   (**Claims 4 and 26**) Iggulden et al. further discloses wherein said memory storage

device is an internal memory storage device (memories 210 and 212, figure 13).

15.   (**Claims 5 and 27**) Iggulden et al. further discloses wherein the system and

method comprising a means for accessing a remote network to provide said menu

(interactive site server 14, figures 5 and 6, Column 9, lines 12-49), wherein such a user

selects one or more of said selections from said menu via said user interface (Column

5, lines 10-20).

16.   (**Claims 6 and 29**) Iggulden et al. further discloses wherein said means for

accessing a remote network comprises a means for accessing a website of the

manufacturer of the vehicle via an internet service provider to provide said menu

(Column 6, lines 8-16).

17.   (**Claims 7 and 28**) Iggulden et al. further discloses wherein said memory storage

device is located on said remote network (Column 6, lines 16-24 and lines 38-43, the

user can store the features programmed by the serial number of the appliance on the server).

18.   (**Claim 8**) Iggulden et al. further discloses wherein said memory storage device is a portable memory storage device (Column 9, lines 43-49 and Column 13, lines 37-40).

19.   (**Claims 9, 30 and 31**) Iggulden et al. further discloses wherein said portable memory storage device comprises a portable memory storage card (Column 9, lines 43-49 and Column 13, lines 37-40).

20.   (**Claims 10 and 32**) Iggulden et al. further discloses wherein said memory storage device is an internal memory storage device (memories 210 and 212, figure 13).

Claim Rejections - 35 USC § 103

21.   Claims 12, 14-16, 18-21, 34, 36-38, 40-43 are rejected under 35 U.S.C. 103(a) as being unpatentable over Iggulden et al. in view of Zwern as applied to claims 1 and 23 above, and further in view of Obradovich et al., US Patent No. 6,449,535.

22.   (**Claims 12, 14-16, 18, 34, 36-38 and 40**) Iggulden et al. in view of Zwern discloses the system and method previously discussed including the audio message concerning the condition of the vehicle, but neither reference teaches wherein a message indicates a vehicle light is activated, a need for oil, a need to check tires or the battery, and the outside temperature. However, Obradovich et al. teaches an audio message is used to inform the user that a vehicle light is activated (Column 8, lines 13-16 and Column 15, lines 44-53) and audio indicators for vehicle condition parameters such as tire pressure, battery condition, oil pressure, and outside temperatures (Column

6, lines 48-55). It would have been obvious to one of ordinary skill in the art at the time

of the invention to combine the system and method of Iggulden et al. in view of Zwern in

further view of the teachings of Obradovich et al. because as Obradovich et al. teaches

the audio messages of warnings and information of interest increases driver safety by

decreasing the time the driver spends looking away from the road and at the respective

console (Column 3, lines 48-54). It would have been further obvious to combine the

teachings of Obradovich with the system and method of Iggulden et al. in view of Zwern

because as Zwern teaches, the system would allow the user to customize and then

differentiate and quickly identify the audio alarms/indicator of vehicle's different features.

23.   (**Claims 19 and 41**) Iggulden et al. in view of Zwern discloses the system and

method previously discussed, but neither reference discloses providing means for

associating a profile of individual users. However, Obradovich et al. teaches providing

identifying means (Personal Identification Number (PIN) Column 9, lines 9-16) for

associating a profile comprising at least one of said selections with an individual user

(Column 10, lines 45-53), and wherein said identifying means activates said profile such

that the selections of said profile are executed upon the occurrence of a triggering event

(Column 10, lines 45-53 and Column 11, lines 29-45, upon entering a PIN number the

features of the respective user are adjusted accordingly).

24.   (**Claims 20 and 42**) Obradovich et al. further discloses wherein said identifying

means is a password comprising at least one character which is entered on said user

interface (PIN, Column 11, lines 11-18)

25.   (**Claims 21 and 43**) Obradovich et al. further discloses wherein said identifying

means is a push button on a user interface (Column 11, lines 11-18).

It would have been obvious to one of ordinary skill in the art at the time of the

invention to combine the system and method of Iggulden et al. in view of Zwern with the

teachings of Obradovich et al. because as Obradovich et al. teaches the PIN

identification means increases security means of the vehicle and protects the user's

preferences from unauthorized changes (Column 9, lines 9-16).

Claim Rejections - 35 USC § 103

26.   **Claims 22 and 44** are rejected under 35 U.S.C. 103(a) as being unpatentable

over Iggulden et al. in view of Zwern and in further view of Obradovich et al. as applied

to claim 19 above, and further in view of Obradovich et al., US Patent No. 6,703,944

(referred to as reference '944).

Iggulden et al. in view of Zwern and in further view of Obradovich et al. as

previously discussed taught providing means for associating a profile with an individual

user and specifically, Iggulden et al., a transfer means of data on a portable memory

storage card (Column 13, lines 37-40). However, the previously discussed references

do not teach wherein the identifying means is stored on a portable memory storage

device card. However, Reference '944 teaches the identifying means, PIN, associated

with the user profile of preferential settings of a vehicle (Column 12, lines 18-23) is

stored on a portable memory storage device card (Integrated circuit card 600, Column

11, line 61- Column 12, line 22). It would have been obvious to one of ordinary skill in

the art at the time of the invention to combine the system and method of Iggulden et al.

in view of Zwern and in further view of Obradovich et al. with the further teachings of

Reference '944 because as reference '944 teaches storing the preference data and

user identification means on the IC card increases security and consumer ease and

flexibility by allowing the user to adjust vehicle settings without the entire user profile

being pre-stored in that specific vehicle memory (Column 11, line 61- Column 12, line

22).

Conclusion

27.   **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time
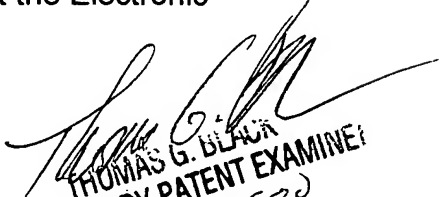policy as set forth in 37 CFR 1.136(a).
        A shortened statutory period for reply to this final action is set to expire THREE
MONTHS from the mailing date of this action. In the event a first reply is filed within
TWO MONTHS of the mailing date of this final action and the advisory action is not
mailed until after the end of the THREE-MONTH shortened statutory period, then the
shortened statutory period will expire on the date the advisory action is mailed, and any
extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of
the advisory action. In no event, however, will the statutory period for reply expire later
than SIX MONTHS from the mailing date of this final action.
        Any inquiry concerning this communication or earlier communications from the
examiner should be directed to Christine M. Behncke whose telephone number is (571)
272-8103. The examiner can normally be reached on Monday - Friday 8:30 AM - 5:30
PM.
        If attempts to reach the examiner by telephone are unsuccessful, the examiner's
supervisor, Thomas G. Black can be reached on (571) 272-6956. The fax phone
number for the organization where this application or proceeding is assigned is 571-
273-8300.
        Information regarding the status of an application may be obtained from the
Patent Application Information Retrieval (PAIR) system. Status information for
published applications may be obtained from either Private PAIR or Public PAIR.
Status information for unpublished applications is available through Private PAIR only.
For more information about the PAIR system, see http://pair-direct.uspto.gov. Should
you have questions on access to the Private PAIR system, contact the Electronic
Business Center (EBC) at 866-217-9197 (toll-free).

02-24-2006